

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

2008 DODGE RAM 3500 PICKUP,
VIN: 3D7MX39A28G245339, and
\$4,753.00 in U.S. CURRENCY,

Defendants.

CV 24-13-BLG-SPW

FINDINGS OF FACT,
CONCLUSIONS OF LAW,
JUDGMENT, AND ORDER OF
FORFEITURE

This matter is brought before this Court by Plaintiff, United States of America, by and through its attorney, Randy J. Tanner, Assistant U.S. Attorney for the District of Montana. The United States has filed a Motion for Entry of Judgment and Order of Forfeiture pursuant to Fed. R. Civ. P. 55(b)(2). Upon considering the pleadings filed herein, the Court makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On February 1, 2024, the United States instituted a judicial forfeiture action by filing in this cause a Verified Complaint *in Rem* against the defendants 2008 Dodge Ram 3500 Pickup, VIN: 3D7MX39A28G245339, and \$4,753.00 in U.S. Currency, involved in a violation of 21 U.S.C. §§ 841 *et. seq.*, and subject to

forfeiture pursuant to 21 U.S.C. § 881(a)(4), (6). The United States Marshals Service has possession, custody, and control of the 2008 Dodge Ram 3500 Pickup, VIN: 3D7MX39A28G245339, and \$4,753.00 in U.S. Currency. (Doc. 1 at 6).

2. On February 8, 2024, Agent Collin McPeak served the warrant of arrest *in rem* (Doc. 6) that was issued by this Court on February 7, 2024 (Doc. 4).

3. On February 2, 2024, and March 20, 2024, the United States provided notice of this civil asset forfeiture action, by mailing the Notice of Complaint for Forfeiture *in Rem* (Doc. 2) and Verified Complaint *in Rem* (Doc. 1) to Shawn Anderson, via first class U.S. mail and certified mail to Anderson's last two known addresses, as provided by law enforcement. (Doc. 8 at 2).

4. On February 2, 2024, the United States provided notice of this civil asset forfeiture action, by mailing the Notice of Complaint for Forfeiture *in Rem* (Doc. 2) and Verified Complaint *in Rem* (Doc. 1) to Shannon Jaeger, via first class U.S. mail and certified mail to Jaeger's last known address, as provided by law enforcement. (Doc. 8 at 2).

5. Notice of this forfeiture action was also provided to known and unknown potential claimants by publishing on the government's asset forfeiture website the Notice of Forfeiture Action for 30 consecutive days, beginning on February 6, 2024, and ending on March 6, 2024. (Doc. 5). The "Notice of Forfeiture Action" provides in pertinent part as follows:

Any person claiming a legal interest in the Defendant Property must file a verified Claim with the court within 60 days from the first day of publication (February 6, 2024) of this Notice on this official government internet web site and an Answer to the complaint or motion under Rule 12 of the Federal Rules of Civil Procedure within 21 days thereafter. . . .

(Doc. 5-1).

6. Upon considering the United States of America's Motion for Entry of Default of Known and Unknown Potential Claimants (Doc. 7) and Affidavit/Declaration filed in support of the motion (Doc. 8), the Clerk of District Court entered the Default of Known and Unknown Potential Claimants on May 14, 2024, for failure to timely file a verified claim and/or to answer or otherwise defend the action as required by the Supplemental Rules. (Doc. 9).

7. The factual allegations set forth in paragraphs 1 through 15 of the Verified Complaint for Forfeiture *in Rem* are verified by William Brew, Task Force Officer with the U.S. Drug Enforcement Administration. (Doc. 1 at 7).

Based upon the foregoing Findings of Fact, the Court makes the following Conclusions of Law.

CONCLUSIONS OF LAW

8. The Court has jurisdiction of this action pursuant to 28 U.S.C. §§ 1345 and 1355. The United States has filed a Verified Complaint for Forfeiture *in Rem* to forfeit the defendant properties consisting of 2008 Dodge Ram 3500 Pickup, VIN:

3D7MX39A28G245339, and \$4,753.00 in U.S. Currency, pursuant to 21 U.S.C. §§ 881(a)(4), (6).

9. Pursuant to 28 U.S.C. §§ 1355(b)(1)(B) and 1395(b), venue is proper in this district because this is a civil proceeding for forfeiture of the Defendant Property that was seized in Yellowstone County, Montana, which is located in this district.

10. Civil forfeitures are governed by the Supplemental Rules for Certain Admiralty or Maritime Claims and Asset Forfeiture Actions of the Federal Rules of Civil Procedure. *United States v. 2659 Roundhill Drive*, 283 F.3d 1146, 1149 n.2 (9th Cir. 2002).

11. The Verified Complaint for Forfeiture *in Rem* sets forth detailed facts to support a reasonable belief that the United States will be able to meet its burden of proof at trial as required by Supplemental Rule G(2)(f), to support probable cause, and to provide proof by a preponderance of the evidence to seize and arrest the defendant properties described in the Verified Complaint. The facts contained in the Verified Complaint support the institution of these forfeiture proceedings for a knowing and willful violation of 21 U.S.C. § 841 *et seq.*, and subject to forfeiture under 21 U.S.C. § 881(a)(4), (6).

12. Notice of this action was properly provided to known potential claimants, Shawn Anderson and Shannon Jaeger, by providing “actual notice” by

mailing the Verified Complaint *in Rem*, in accordance with Supplemental Rule G(4)(b)(v).

13. Notice by publication was also provided to known and unknown potential claimants in accordance with Supplemental Rule (G)(4)(a)(iv)(C).

14. In accordance with Fed. R. Civ. P. 55(a) and Supplemental Rules A(2) and G(5), the Clerk of District Court properly entered the default of known claimants, Shawn Anderson and Shannon Jaeger, and any unknown potential claimants. (Doc. 9).


15. The United States is entitled to default judgment against the defendants 2008 Dodge Ram 3500 Pickup, VIN: 3D7MX39A28G245339, and \$4,753.00 in U.S. Currency and against any claims to the defendant properties under Fed. R. Civ. P. 55(b)(2). The United States is further entitled to an order of forfeiture of the defendants 2008 Dodge Ram 3500 Pickup, VIN: 3D7MX39A28G245339, and \$4,753.00 in U.S. Currency.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. The United States is granted a default judgment against the defendant vehicle and United States currency, which are more particularly described as 2008 Dodge Ram 3500 Pickup, VIN: 3D7MX39A28G245339, and \$4,753.00 IN U.S. Currency.

2. The defendant vehicle and United States currency are hereby forfeited to the United States and shall be disposed of in accordance with the law.

DATED this 27th day of June, 2024.



SUSAN P. WATTERS
United States District Judge